



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Serial Number: 08/951,991

APPLICATION NUMBER 08/951,991	FILING DATE 10/16/97	FIRST NAMED APPLICANT GREENLEAF	ATTY. DOCKET NO. J 63.66.90245
			EXAMINER

Rejection in view of the prior art under 35 U.S.C. 101
BARRY E. SAMMONS
QUARLES BRADY
411 EAST WISCONSIN AVE SUITE 2550
MILWAUKEE WI 53202-4497

JAWORSKI, F. PAPER NUMBER 4

Object by Vibratory Testing, classified in class 73, subclass 3737

DATE MAILED: 05/08/98

Claims 10-12, drawn to Apparatus for Imaging an Object (With disclosed medical

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS 600, subclass 443.

III Claims 13-16, drawn to Apparatus for Generating an Audio Signal, classified

OFFICE ACTION SUMMARY

☐ Responsive to communication(s) filed on subclass 139

☐ This action is FINAL.

2. The inventions are distinct, each from the other because of the following reasons:

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11: 453 O.G. 213. Inventions I-11 and 17 are distinct. Inventions are distinct if it can be shown that they are not

A shortened statutory period for response to this action is set to expire (30) month(s) or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the

Disposition of Claims

☒ Instant case the different inventions have different functions, for example inventions I-U are
Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☐ Claim(s) is/are rejected.

☐ Claim(s) is/are objected to.

☒ Claim(s) 1-9, 10-12, 13-16 are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. (Approved)

☐ The drawing(s) filed on 08/05/97 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 the art as shown by their different classification, restriction for examination

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number)

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

08/951,991

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

Art Unit: 3305

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to Apparatus for Detecting and Mechanically Characterizing an Object by Vibratory Testing, classified in class 73, subclass 570+.
 - II. Claims 10-12, drawn to Apparatus for Imaging an Object (With disclosed medical use), classified in class 600, subclass 443.
 - III. Claims 13-16, drawn to An Apparatus for Regenerating an Audio Signal, classified in class 181, subclass 139.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions, for example inventions I-II are characterizable as test equipment whereas invention III is a communications device .
3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in imaging locations of the human body. See MPEP § 806.05(d).
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 3305

5. Because these inventions are distinct for the reasons given above and the search required for example for Group III is not required for Group II, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Francis J. Jaworski whose telephone number is (703) 308-3061.

FJJ:fjj

May 5, 1998

FRANCIS JAWORSKI
PRIMARY EXAMINER
ART UNIT 335 3737